

Community Law **Waikato**

Te Tari Ture aa-Hapori o Waikato

Part of the National Community Law Movement



Our mission is to provide free legal help to  
those who cannot otherwise access it.

# WORK & INCOME HEALTH RELATED BENEFITS AND ENTITLEMENTS

## 2025



# Disability allowance

The Disability Allowance is a weekly payment that you need to save up and spend on your medical costs when they arise. The weekly allowance covers a portion of the costs of goods and services that directly help you with an ongoing health issue.

To qualify, you must have an impairment that:

- is likely to continue for at least six months, **and**
- has reduced your ability to be independent to the point that you need ongoing support for the normal functions of life or need ongoing supervision or treatment by a health professional.

A doctor will need to assess you and certify that you qualify, and give you evidence of that to give to W&I. You'll also need to provide W&I with invoices, quotes or receipts.

At any point W&I can ask for evidence that you have been using the disability for the costs it was approved for, so it's important to always keep your receipts for W&I if they choose to review it.

The allowance is paid as a weekly amount, up to a maximum. If your actual costs are more than the maximum, the difference can be covered by **Temporary Additional Support**.

**NOTE:** It is more difficult to get approval for disability costs that are not funded by NZ's health system e.g. cbd oil. You may have to give W&I medical evidence to show that you have tried other funded medications and why those medications did not work.

Examples of costs includable in Disability Allowance  
(these are examples only – not an exhaustive list)

DOCTOR'S FEES FOR ONGOING,  
REGULAR APPOINTMENTS

COUNSELLING

SPECIAL FOOD  
(e.g. for celiac disease or diabetes –  
includes vitamins and supplements)

RENTAL EQUIPMENT  
not paid for by DHB or other agency  
(e.g. walker, shower stool)

MEDICAL ALARMS &  
MEDICALERT COSTS

TELEPHONE

GYM & SWIMMING

TRANSPORT

POOL FEES

CLOTHING  
due to wear and tear -  
(e.g. nocturnal  
incontinence)

POWER, GAS, AND HEATING

AMBULANCE FEES  
AND SUBSCRIPTIONS

HEALTH RELATED SUPPLIES  
e.g. batteries, guide dog food (and vet bills),  
needles & syringes

ALTERNATIVE TREATMENTS  
e.g. Physio, osteopath, occupational therapy

# Child Disability allowance



Child Disability Allowance (CDA) is a fortnightly payment designed to compensate a person for the general extra costs involved with caring for a child with a disability. It is not designed to cover individual health costs related to the child's disability, that is what a Disability Allowance is for. You can receive both the disability allowance and CDA at the same time.

**NOTE:** The Child Disability Allowance isn't income-tested, and so even people on very high incomes can get it.

## Caregiver

To be able to receive the CDA a client (caregiver) must:

- generally be 16 years or over,
- be the principal caregiver of a dependent child with a disability (or if there is no principal caregiver, have the care and control of the child for the time being),
- be a New Zealand citizen or permanent resident (ie not be in New Zealand unlawfully, here on a temporary entry visa or a temporary permit), and
- generally be ordinarily resident in New Zealand.

## Child

To receive the CDA the child must:

- generally be a resident of New Zealand,
- be a dependent child (financially dependent on and maintained by a caregiver),
- have a physical, sensory, psychiatric or intellectual disability,
- need **constant care and attention** because of the disability,
- be likely to need care permanently, or need care for more than 12 months and be living with the caregiver receiving the CDA. The child can also be living in a home or hostel run by a voluntary organisation where the child returns home for weekends or school holidays and where the caregiver has to pay towards the child's care.

## ....Child Disability allowance continued

### Constant care and attention explained

Constant care and attention **must** be one of the following:

- 1 Due to the child's disability they need recurrent or regular attention to perform bodily functions such as bathing, toileting, dressing or eating.
- or
- 2 As the child has a physical, sensory, psychiatric or intellectual disability, they require care and supervision over and above that normally required by a child of the same age and gender.
- or
- 3 Due to the child's disability, they need supervision of their day to day activities to avoid significant danger to themselves or others.

### The Law

MSD may require that an application for a child disability allowance be supported by a medical certificate that certifies whether or not, in the opinion of a prescribed health practitioner, the child is a child with a serious disability.

MSD **may** ask you to see a designated doctor but this should be a last resort.

Before granting a child disability allowance, MSD may require the child to be examined by a prescribed health practitioner nominated for the purpose by MSD.

If the child does not have a principal caregiver at the time MSD may pay a child disability allowance to the person for the time being having the care and control of the child.

# Supported Living payment

You are entitled to Supported Living Payment (SLP) if you meet the residency, age, medical, and income requirements:

## Residency requirement

You meet the residency requirement for the SLP if:

- You are a New Zealand citizen or New Zealand resident visa holder **and**
- New Zealand is your permanent home **and**
- One of the following three criteria apply:

1. You have lived in New Zealand continuously for at least two years. During this two years you must be a New Zealand citizen or resident visa holder. (Some time away during the two years is OK as long as your permanent home continued to be here) **OR**
2. You have resided in a country New Zealand has a social security agreement with that counts time in that country as time in New Zealand (not all do) **OR**
3. You are a refugee or protected person.

## Age Requirement

You meet the criteria for age if:

- You are 16 or older **OR**
- For the Supported Living Payment (Caring for sick or infirmed) you are 18 with no dependent children OR 20 with dependent children.

## Medical requirement

There is no set list in the law that says which health conditions are or are not 'allowed' for SLP. It just needs to meet one of these criteria:

- You have "restricted work capacity" **OR**
- You are 'totally' blind (regardless of if you can work) **OR**
- You are caring for someone else (not your spouse or partner) who would otherwise need full-time care (this person can also apply for SLP for themselves)



## What does 'restricted work capacity' mean?

Restricted work capacity means your health stops you from regularly working 15 hours a week (or more), **AND** this is expected to last at least two years from when you apply.

It does not matter if you can *sometimes* work 15 hours a week or more. It only matters if you can *regularly* work 15 hours a week (or more).

Your ability to work must be based on **current** expectations. It does not matter if you **might** improve in the next two years. The improvement must be expected (i.e. a 51% or more likelihood you will improve)

Being unable to regularly work 15 hours a week or more must be in jobs that are on the 'open' market anybody qualified could get and pay the minimum wage or more. It doesn't include 'sheltered' work for people with health conditions or where the employer could get a minimum wage exemption due to your health condition.

## The law does not define 'totally blind'

W&I have created their own criteria for what it means to be 'totally blind'. W&I's definition of 'totally blind' is that you need to have either (or both) of the following:

1. A best visual acuity (sharpness) corrected with glasses of 3/60 (6/120) or more in the better eye; and/or
2. A visual field (width of vision) of no more than 5° from the fixation point in your better eye.

### The Law

The Law (Social Security Act) does not say what 'totally blind' means.

Because this is what W&I created and is not from the law, the court could say it is wrong. But it has not been challenged in Court yet.

## Caring for someone full-time

To be able to get the SLP for caring for someone else (not your spouse/partner) the person needs to meet the following medical criteria:

- They need full-time care at home. This means you need to be available full-time but you can have some time away e.g. during when a care worker comes in (respite care).
- If you weren't caring for them, they'd need full-time care in one of the following:
  - A hospital, rest home, or residential care (including extended care arranged by Oranga Tamariki), or
  - The same level of care at home (e.g. full-time care workers paid by the government).



## The Law

The Law (Social Security Act) says you do not qualify if you are looking after your spouse or partner.

If you're caring for your spouse or partner, contact your local Needs Assessment service (NASC) as you may be eligible for Funded Family Care instead. Find your local NASC at [www.health.govt.nz/nasc](http://www.health.govt.nz/nasc) or call 0800 725 463.

You may be eligible for other help from W&I too.

## Applying for SLP: How to avoid problems

### If you are applying for yourself



It is easiest if your GP completes a medical certificate.

It is important that your GP list the condition that plays the biggest part in you meeting the criteria as the "primary" condition. The law doesn't say specifically that you need a medical certificate, so you can also use other reports to show that you meet the criteria.

If your condition can differ in severity between people or could be expected to improve, it is important your GP (or other health practitioner) explains in a note how the condition means you meet the criteria.

Some examples of when this is important include mental health problems not requiring compulsory treatment, orthopaedic (bone and joint) conditions, autoimmune problems or non-terminal cancers.

### If you are applying because you are caring for someone else

Their GP, doctor or nurse practitioner must fill in the paper SLP - Caring medical certificate. If the person has a specialist we recommend they complete this as they can give the best opinion. If they have other reports or letters, it is a good idea to include this as part of your application too.

If a doctor ticks the box on the application form that the person you are caring for would need residential or hospital level care if you were not able to care for them, *it does not mean that person will be referred to a facility for care*. W&I is just trying to establish how severe the level of care needed is.





# How to respond to common problems

If MSD decline you for allegedly not meeting the medical criteria, here is a suggested step-by-step approach to try to resolve the dispute

1

Ask W&I why they think you don't qualify. Understanding clearly what evidence W&I needs will give you the change to seek out the evidence and get it to them.

2

Get a detailed letter from your GP (or other treating practitioner e.g. your specialist) about why you qualify.

Information from medical professionals will give W&I a good 'picture' to reconsider the decision. The writer needs to address the specific reasons W&I don't think you qualify

3

Ask W&I to pay for a second opinion from a second designated doctor. You should take any reports or letters about your condition.

4

As a last resort, seek legal help about a medical appeal.

A medical appeal is an independent check of the decision. This is final (you cannot appeal again) so it is very important to get legal help with this.



# What if W&I declines you?

## Reviews

If Work and Income (W&I) decline you, or make a decision that you don't agree with, you don't have to just accept it. W&I can't punish you for using your rights and if you win your case they must change the decision so we strongly encourage this. There are steps that you can take to try and have the decision changed.



You must apply within three months of being told the decision, but if a good reason stopped you (e.g. not being told the decision or being sick) a late application may be accepted. To apply, write what the decision was, why you think it's wrong (if you can) and send it to W&I:

1. On a "review of decision" form or a note and hand it in at any of their offices. Get a date stamped copy.
2. Email [helpline\\_workandincome@msd.govt.nz](mailto:helpline_workandincome@msd.govt.nz) (the "\_" is an underscore). Keep a copy of the email.
3. Use the online form at [www.msd.govt.nz/feedback](http://www.msd.govt.nz/feedback).

## Appeals

If you are not happy with the review outcome, you have the right to continue (appeal) to the Social Security Appeal Authority. The Authority is entirely independent of W&I. You must apply within sixty working days of W&I telling you to review the outcome unless a good reason means you could not. To apply, use the form at [www.justice.govt.nz](http://www.justice.govt.nz) or email [ssaa@justice.govt.nz](mailto:ssaa@justice.govt.nz).

**Community Law often helps people to prepare for reviews and appeals and represents them in the process. Please contact us straight away to see how we can help you.**



## Contact us for more help

Community Law often helps people to prepare for reviews and appeals and represents them in the process. Please contact us straight away to see how we can help you.

Our lawyers and advocates help for free with benefit and other legal issues in the greater Waikato. Call us (free) on 0800 529 482, email [reception@clwaikato.org.nz](mailto:reception@clwaikato.org.nz). We will be happy to see how we can help.

Te Tari Ture ā-Hapori o Waikato  
Community Law Waikato  
Level 2, 109 Anglesea Street  
Hamilton  
0800 529 482

[reception@clwaikato.org.nz](mailto:reception@clwaikato.org.nz)

[www.clwaikato.org.nz](http://www.clwaikato.org.nz)

Charities number: CC36092

© Community Law Waikato Trust 2025

Community Law **Waikato**

Te Tari Ture aa-Hapori o Waikato

Part of the National Community Law Movement

